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DIRECTOR OFFICE
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ON PETITION

In re Application of:
Komooka et al.
Application No. 09/433,475
Filed: November 4, 1999
For: DRAWING METHOD AND DRAWING
APPARATUS FOR DISPLAYING IMAGE DATA
ABOUT A PLURALITY OF OBJECTS INCLUDING
SEMITRANSPARENT OBJECT AND OPAQUE
OBJECT ON COMPUTER DISPLAY SCREEN

This is a decision on the petition filed April 28, 2003 under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment. No fee is required.

The application was held abandoned for failure to respond in a timely manner to non-final Office action mailed August 12, 2002. This action was the second non-final Office action. A Notice of Abandonment was mailed on April 2, 2003.

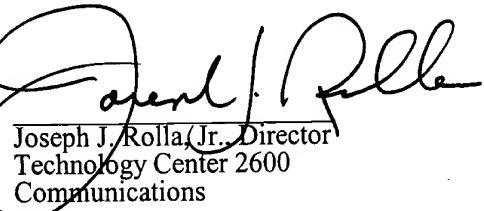
On August 12, 2002, the Patent Office mailed a second non-final Office action. This Office action was inadvertently listed on the file as a Final Office action. Petitioner timely replied to the second non-final Office action with a response filed October 15, 2002 in the form of an amendment; however, the response was not entered, since the second non-final Office action was mistakenly treated as a Final Office action. An Advisory Action was mailed addressing the response on November 7, 2002. The Advisory Action indicated that the response would be entered upon timely submission of a Notice of Appeal and Appeal Brief.

The Petitioner alleges the Examiner stated that the amendment would be entered, that the application would be reconsidered, and that an Office action would be issued based on an alleged telephone conversation "on or about November 12, 2002". Regardless of the Petitioner's allegation, the amendment was timely submitted, the Advisory Action should never have been sent, and Petitioner's amendment should have been entered and considered by the Examiner.

Accordingly, the Notice of Abandonment is hereby vacated and the Holding of Abandonment withdrawn. The Advisory action mailed November 7, 2002 is also vacated.

For the reasons above, the petition is **GRANTED**.

The application file will be forwarded to Technology Center's technical support staff for entry of the response to the second non-final Office action filed August 12, 2002. From there, the application file will be returned to the Examiner for consideration of the response.


Joseph J. Rolla, Jr., Director
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Communications